

SENATE BILL NO. 216

INTRODUCED BY LIND

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PUBLIC BODIES TO ASSESS HOUSEHOLD FEES
SUBJECT TO VOTER APPROVAL FOR THE PURPOSE OF CONSERVING OPEN SPACE; AND AMENDING
SECTION 76-6-109, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-6-109, MCA, is amended to read:

"76-6-109. Powers of public bodies -- county real property acquisition procedure maintained. (1)

A public body has the power to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:

(a) to borrow funds and make expenditures necessary to carry out the purposes of this chapter;

(b) to advance or accept advances of public funds;

(c) to apply for and accept and use grants and any other assistance from the federal government and any other public or private sources, to give security as may be required, to enter into and carry out contracts or agreements in connection with the assistance, and to include in any contract for assistance from the federal government conditions imposed pursuant to federal laws as the public body may consider reasonable and appropriate and that are not inconsistent with the purposes of this chapter;

(d) to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter;

(e) in connection with the real property acquired or designated for the purposes of this chapter, to provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities or structures that may be necessary to the provision, preservation, maintenance, and management of the property as open-space land;

(f) to insure or provide for the insurance of any real or personal property or operations of the public body against any risks or hazards, including the power to pay premiums on the insurance;

(g) to demolish or dispose of any structures or facilities that may be detrimental to or inconsistent with

1 the use of real property as open-space land; and

2 (h) to exercise any of its functions and powers under this chapter jointly or cooperatively with public
3 bodies of one or more states, if they are authorized by state law, and with one or more public bodies of this state
4 and to enter into agreements for joint or cooperative action.

5 (2) For the purposes of this chapter, the state, a city, town, or other municipality, or a county may:

6 (a) appropriate funds;

7 (b) subject to 15-10-420, levy taxes and assessments according to existing codes and statutes;

8 (c) assess a fee for each household within its jurisdiction AS PROVIDED IN SUBSECTION (3);

9 ~~(e)~~(d) issue and sell its general obligation bonds in the manner and within the limitations prescribed by
10 the applicable laws of the state, subject to subsection (3); and

11 ~~(d)~~(e) exercise its powers under this chapter through a board or commission or through the office or
12 officers that its governing body by resolution determines or as the governor determines in the case of the state.

13 (3) (A) A FEE FOR EACH HOUSEHOLD MAY BE ASSESSED IF THE FEE QUESTION WINS APPROVAL OF A MAJORITY
14 OF THE QUALIFIED ELECTORS IN THE JURISDICTION VOTING IN AN ELECTION CONDUCTED PURSUANT TO THIS SUBSECTION
15 (3).

16 (B) AN ELECTION CONDUCTED PURSUANT TO THIS SUBSECTION (3) MAY BE HELD IN CONJUNCTION WITH A
17 REGULAR OR PRIMARY ELECTION OR MAY BE A SPECIAL ELECTION. A PETITION SUPPORTING THE PROPOSED FEE MUST
18 BE SIGNED BY AT LEAST 15% OF THE QUALIFIED ELECTORS IN THE JURISDICTION AND FILED IN THE OFFICE OF THE COUNTY
19 CLERK AND RECORDER AT LEAST 90 DAYS BEFORE THE ELECTION.

20 (C) THE PETITION MUST INCLUDE:

21 (I) THE PURPOSE FOR WHICH THE MONEY WILL BE USED;

22 (II) THE APPROXIMATE AMOUNT TO BE RAISED;

23 (III) THE DURATIONAL LIMIT, IF ANY, ON THE FEE.

24 (D) NOTICE OF THE ELECTION MUST BE PREPARED BY THE GOVERNING BODY AND GIVEN AS PROVIDED BY LAW.
25 THE FORM OF THE BALLOT MUST REFLECT THE CONTENT OF THE PETITION AND MUST INCLUDE A STATEMENT OF THE
26 IMPACT OF THE ELECTION ON A HOUSEHOLD.

27 ~~(3)~~(4) Property taxes levied to pay the principal and interest on general obligation bonds issued by a
28 city, town, other municipality, or county pursuant to this chapter may not be levied against the following property:

29 (a) agricultural land eligible for valuation, assessment, and taxation as agricultural land under 15-7-202;

30 (b) forest land as defined in 15-44-102;

- 1 (c) all agricultural improvements on agricultural land referred to in subsection (3)(a);
2 (d) all noncommercial improvements on forest land referred to in subsection (3)(b); and
3 (e) agricultural implements and equipment described in 15-6-138(1)(a).

4 ~~(4)(5)~~ This chapter does not supersede the provisions of 7-8-2202.

5 (6) AS USED IN THIS SECTION, "HOUSEHOLD" MEANS A SINGLE RESIDENCE OR A SINGLE UNIT IN A MULTIUNIT
6 RESIDENCE."

7 - END -